

CITY OF TAUNTON

HAZARDOUS MATERIALS CONTROL REGULATION

1. AUTHORITY, PURPOSE AND DEFINITIONS

1.1 Authority

The City of Taunton Board of Health, acting under the authority of Chapter 111 section 31 of the Massachusetts General Laws and amendments and additions thereto, and by any other power thereto enabling, has adopted the following rules and regulations in the interest of and for the preservation of the environment and public health. These regulations shall supercede any previous local Board of Health regulation in effect.

1.2 Purpose

The purpose of this regulation is to protect, preserve and maintain the environment and the public health in the City as well as its water reserves from contamination and exposure to hazardous materials. This regulation is based and related to those regulations set forth by the Department of Environmental Protection (DEP), Environmental Protection Agency (EPA), Occupational Safety and Health Administration (OSHA), and/or and other local, state or federal regulations and Department of Transportation standards.

1.3 Definitions

The following terms shall be the following meanings in this Regulation:

1.3.1 "DOT" means the federal Department of Transportation.

1.3.2 "Biodegradable" means a product or material that decomposes at a significant rate into non-toxic materials by natural biological processes.

1.3.3 "CMR" means the Code of Massachusetts Regulations.

1.3.4 "Container" means any portable device in which hazardous materials or wastes are stored, transported, treated, disposed of or otherwise handled.

1.3.5 "DEP" means the Department of Environmental Protection and/or its successors.

1.3.6 "Discharge" means the disposal, deposit, injection, dumping, spilling, leaking, escape, incineration or placing of any hazardous material or waste, into or on the land, water or air. Discharge includes, without limitation, leakage of such hazardous materials or wastes from containers, tanks or storage systems, or disposal of such materials or wastes into any sewage disposal systems, dry well, catch basin or landfill.

1.3.7 "Fire Chief" means the Fire Chief of the City of Taunton and shall include any designee of the Fire Chief.

1.3.8 "Hazardous Material or Waste" means any substance, including petroleum or derivatives thereof, or combination of substances which because of their quantity, concentration, physical, chemical, infectious, flammable, combustible, radioactive, genetic or toxic characteristics, may cause or significantly contribute to a present or

potential risk to human health, safety, or welfare, to the groundwater resources, or to the natural environment. Any substance regulated under applicable Taunton Board of Health regulations and under any State or Federal laws and regulations regulating hazardous, chemical, biological or waste materials, or any amendments thereof, shall be considered hazardous material or waste.

1.3.9 "Owners or Operators" means each and every person who alone or severally with others has legal title to any property on which is located any hazardous material or waste subject to this regulation; or a tenant, licensee or person in possession, who has care, charge or control of any such property, in any capacity including without limitation agent, executor, administrator, trustee or guardian of the estate of the holder of legal title; or agent, trustee or a person appointed by a court of competent jurisdiction; or a mortgagee in possession of such property. Each and every such person is bound to comply with the provisions of this regulation as if he were an owner.

1.3.10 A "Hazardous Material Generator" means any commercial enterprise, government agency, owner or operator who produces, prepares, imports or compounds hazardous material or waste by combining previously non-hazardous materials to create hazardous materials.

1.3.11 A "Hazardous Material User" means any commercial enterprise, government agency, owner or operator who utilizes hazardous materials or waste, for any purposes other than those specifically exempt from the requirements of this regulation under section 2.2.

1.3.12 "Storage" means the holding of any hazardous materials or wastes for more than 24 hours.

1.3.13 "Storage System" means one or more tanks(s), and all connecting pipes, valves or other devices appurtenant thereto.

1.3.14 "Tanks" means any stationary device used to store or to contain an accumulation of hazardous materials or wastes.

1.3.15 "Hazardous Materials Load and Segregation Chart" means the DOT standard class list and chart for hazardous materials and the separation thereof, and instructions for loading, transporting, and storing of hazardous materials during transportation.

1.3.16 "Hazardous Materials Labeling Chart" means the DOT hazardous materials chart with applicable labels and general guidelines on use of HAZMAT labels.

2. PROHIBITIONS

2.1.1 No area within which hazardous materials or waste are used, stored or generated may contain a floor drain that leads to a storm drain or a septic system. Floor drains in such areas shall drain into containment vessels for removal by a DEP approved hazardous waste carrier. All other drains shall be permanently sealed off.

2.1.2 No residues or waste waters resulting from hazardous material or waste spill clean up procedures shall be disposed of into drains or other facilities leading to storm drains or septic systems or into the Taunton Transfer Station. All such residues and waste waters shall be contained for removal by a DEP approved hauler.

2.2 Exceptions

Applications of fertilizers, herbicides and pesticides used in accordance with applicable local, state and federal regulations shall be exempt from Section 2 of this regulation,

applications of deicing chemicals in conformance with the Massachusetts Snow and Ice Control Program, applications of swimming pool chemicals, and applications of water treatment chemicals by the Taunton Water District. Storage of such chemicals, however, shall not be exempt from the appropriate storage requirements of this regulation. This regulation shall not apply to discharge of ordinary sanitary wastewater into a septic system installed in accordance with applicable State and local regulations or to ordinary uses of household or garden products used in accordance with applicable labeling instructions from state and federal law. Nothing in this regulation prohibits the Board of Health from limiting or prohibiting the use of any such product by appropriate regulations.

3. Permits and Accounting for Hazardous Materials and Waste

3.1 Permits For Hazardous Materials and Waste

Any hazardous materials or waste generator or user of hazardous materials or waste must obtain a permit from the Board of Health to store, use or generate hazardous materials or wastes. The permit shall be granted for one year, and may be renewed by the Board of Health, unless there has been a substantial change in the quantity, type or method of storage, generation or use, or the Board of Health concludes for any reason that reissuance of the permit should be reviewed by the Board. This permit shall be in addition to any license required in accordance with M.G.L. Ch. 148, s. 13 and/or any permit required in accordance with 527 CMR 14.00 or any other Fire Prevention Regulation.

3.2 Information Required For A Hazardous Materials and Waste Permit Application

The following information shall be supplied with the application for a permit:

3.2.1 A list of the size, type, age and location of each container or tank. Evidence of the date of purchase and installation shall be included for existing storage systems, along with a plot plan showing the location of all containers, tanks, drains and piping on the property. In complex applications the Board of Health may require a plot plan certified by a Professional Land Surveyor. Any changes in the information contained in the initial application, including any change in the use of the storage system, shall be reported immediately.

3.2.2 A list of daily amounts stored, used or generated and estimate of yearly throughput of all hazardous materials and waste to be used, stored or generated on the site, and copies of pertinent Material Safety Data Sheets.

3.2.3 Documentation stating that all information previously filed with the Board of Health is correct, or indicating a change in the status of the existing permit shall be submitted annually. A new permit shall be obtained within thirty days from the Board of Health whenever:

- a) there is any change in the type or method of generation, use or storage, or significant change in the quantity or composition of hazardous materials or wastes previously permitted.
- b) the method of storage, generation or use fails to comply with information previously submitted to the Board of Health.

3.2.4 A list of all hazardous materials and the class that the material is categorized in under the DOT Hazardous Materials Load and Segregation Chart.

3.2.5 The Board of Health may require additional information if it is necessary to adequately evaluate the application.

3.3 Exceptions to Permit Requirement.

Permits shall not be required under this regulation for the following:

- a) Septic Systems
- b) Gasoline and diesel fuel stored in tanks mounted on a vehicle and used solely to fuel the same vehicle.
- c) Hydraulic oil reservoir tanks on heavy vehicular equipment.
- d) Use of domestic biodegradable cleaners for residential and business maintenance.
- e) Residential oil tanks.

3.4 Hazardous Materials and Waste Permit Conditions

The Board of Health may impose conditions on any storage permit as necessary to serve the purposes of this regulation or to protect the public health and environment.

3.5 Requirements for Approval of Hazardous Material and Waste Permits

3.5.1 Hazardous materials and waste permits shall be granted by the Board of Health only if the following criteria are fulfilled:

- a) The proposed storage, use or generation system shall provide adequate discharge prevention safeguards which are appropriate to the materials and wastes to be stored, used or generated and to the location of the storage, use or generation.
- b. The proposed storage, use or generation system shall comply with all local, state and federal regulations.
- c. The proposed storage, use or generation system shall not cause a threat to the public health and safety or to the environment.
- d. The applicant has established a satisfactory hazardous materials and waste discharge contingency plan.
- e. All hazardous materials or wastes to be stored above ground shall be stored in product tight containers on an impervious, chemical resistant surface, under cover and sheltered from the weather unless otherwise specified by the Board. The storage area shall be enclosed with a permanent dike of impervious construction providing the necessary protection. A 5-foot fence shall surround all outdoor storage areas, at a minimum, and shall be kept locked at all times when unattended.
- f. Hazardous Waste shall be held on the premises for removal by a licensed carrier in accordance with the Massachusetts Hazardous Waste Management Act, MGL Chapter 21C.
- g. Owners or Operators shall park delivery trucks or tank trailers only in designated overnight parking areas approved by the Board of Health and Fire Department. These parking areas must allow for detection and containment of discharge from the parked vehicles that are acceptable to the Board of Health, Fire Department, and any other applicable agency.

3.6 Inventory and Monitoring of Above Ground Storage Systems

All hazardous materials stored above ground, with the exception of residential home heating oil tanks, shall be monitored weekly unless more frequent monitoring is specified in the permit. Monitoring shall consist of a thorough visual inspection of the container(s) and tank(s) and stock(s) of materials as well as the dike area for deterioration, leakage or unaccounted for loss of materials.

3.7 Record Retention

Throughout the permit period, owners, users, generators, or operators shall keep copies of all Hazardous Waste Transport Manifests on-site, as required under the Resource Conservation and Recovery Act 42 U.S.C., Section 6901 et seq. and the Massachusetts Hazardous Waste Management Act MGL Chapter 21C, 315 CMR, Section 2.04. If a hazardous waste generator is exempt from the manifest requirements sufficient proof of a proper disposal method shall be maintained.

4. Administration and Enforcement

4.1 Compliance with Hazardous Materials Permit Requirements

4.1.1 Owners or occupants of new premises shall obtain a hazardous materials permit from the Board of Health, licenses from the local licensing authority and all other applicable permits from federal, state, and local authorities as required, prior to occupying the premises.

4.1.2 Existing Premises - Owners or occupants of existing premises shall obtain a hazardous materials permit by *June 10, 2005*, and upon any change in use or occupancy of the site.

4.2 Cessation of A Permit

4.2.1 The holder of a hazardous materials and waste permit shall notify the Board of Health immediately, in writing, whenever the activities authorized under the permit cease on a permanent basis.

4.3 Promulgation of Rules and Regulations

The Board of Health may from time to time pass regulations specifying categories of materials which are hazardous materials or wastes under the definition in s. 1.3.8 of this regulation. The Board may adopt or amend rules and regulations consistent with the provisions of this regulation. A copy of such rules shall be filed with the City Clerk.

4.4 Fees

Fees necessary for the issuance and renewal of permits or licenses under this regulation shall be set by the Board of Health. Fees shall be due on the date of annual registration and collected by the permit or license granting authority. Failure to pay shall constitute a violation and shall subject the violator to the penalties of Section 4.7 of this regulation.

4.5 Variance

A variance from the terms of this regulation may be granted only by the permit granting authority after notice to abutters and a public hearing, if it is found that a variance would satisfy each of the following conditions:

- 1) consistency with the public health and environmental protection objectives of the Massachusetts General Laws and applicable federal, state and local regulations.
- 2) consistency with the purpose and intent of this regulation.
- 3) prevention of an undue burden on the permit applicant, and
- 4) equivalent protection as envisioned in section 1.2.

4.6 Enforcement Access

The authority granting the permit or its designee may, upon reasonable notice to the occupant of the premises enter any premises for the purpose of investigating, sampling, or inspecting any record, condition, equipment, practice, or property relating to activities

subject to this regulation. The permit granting authority may enter any premises for the purpose of enforcing this regulation.

4.7 Penalty

Any person who violates any provision of this regulation shall be punishable by a fine of not more than \$300.00, as allowed under MGL Chapter 40, Section 21. Each day during which a violation continues shall constitute a separate offense, and each condition, of this Regulation, violated shall constitute a separate offense. This penalty may be imposed by the City of Taunton Board of Health.

5.1 Severability

Each provision of this regulation shall be construed as separate, to the end that if any part of it shall be held invalid for any reason, the remainder shall continue in full force and effect.

Approved and adopted on April 26, 2005 by the Taunton Board of Health.
Effective May 9, 2005.

C. Nason Burden, M.D., Chairman

Bruce E. Bodner, M.D.

Joseph F. Nates, M.D.